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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

Courtroom 940

DATE: 6/8/2022

TIME: 2:00

BEFORE: GARY R. BROWN, U.S. DISTRICT JUDGE

**FILED
CLERK**

CASE: [Civil Cause for Telephone Pre-Motion Conference](#)
[21cv 7182 Agostisi v. Bendo et. al.](#)

3:46 pm, Jun 08, 2022

**U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE**

APPEARANCES: Plaintiff: Rick Ostrove

Defendant: Adam Kleinberg

COURT REPORTER/FTR**#: AT&T Conference 2:01-2:29

Motion for: to dismiss DE 11

**Movant: John Bendo, City of Long Beach, Michael Delury, Scott
Mandel, Karen McInnis, John McNally, Elizabeth Treston**

Case called.

- ☒ Counsel for all sides present.
- ☒ Pre-motion conference held.
 - ☐ Parties to meet and confer and submit a schedule within 2 weeks.
 - ☐ Motion Schedule set. Motion served by:
Response served by:
Reply and all papers filed by:
- ☐ Discovery to proceed while motion is pending. Parties to contact Magistrate Judge assigned to the case to schedule an Initial Conference.
- ☐ Choose an item.
- ☒ Motion argued.
- ☒ The Court deems the motion made.
- ☐ Motion is Choose an item. (** No written decision**)
- ☒ Other: The court grants the motion as to the due process claim and denies it as to the defamation and retaliation claims. The parties will brief the other parts of the motion..
- ☐ The parties are to submit order on notice to all parties.
- ☐ Settlement discussed. Choose an item.
- ☐ Jury Selection and trial set for:
Joint pretrial order due by:

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** To obtain a copy of the transcript counsel should contact the ESR department in Central Islip at (631) 712-6030. Instructions and forms for requesting a transcript can be found at <https://www.nyed.uscourts.gov/> under the *Court Information* tab.**